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ABSTRACT

The movement to undo the damage of American racism and to establish the conditions for genuine racial equality has lost its momentum, both in the academic community and in the Congress. The prevailing academic caution with regard to busing and affirmative action is best articulated by Nathan Glazer in his book "Affirmative Discrimination," which details the problems inherent in equal opportunity programs. His argument centers around the idea that quotas, racial percentages, and group rights not only discriminate against the individual, but are also un-American. Although the rights of individuals are important, individualism alone cannot provide the basis for institutional changes necessary to eradicate the effects of past discrimination and set the stage for genuine equality in the future. To end discrimination, we need women and minorities in positions of power, competence and control, not because these positions represent opportunities for individuals, but because this is the best way to ensure that institutions will meet the broadest human needs. Action goals, combined with affirmative action programs, are essential to the creation of a just society, in which opportunity means more than free admission to a competitive rat race and equality implies a fundamental respect for humanity. (Author/WI)

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A BRIEF LOOK AT "AFFIRMATIVE DISCRIMINATION"

BY ROBIN W. LOVIN

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From Community Change, Inc., PO Box 146, Reading, MA 01867

RIGHTS TO WHAT? - A Brief Look at "Affirmative Discrimination"
by Robin W. Lovin

The movement to undo the damage of American racism and establish the conditions for genuine racial equality has lost its forward momentum. The academic community is beset with second thoughts about busing and affirmative action, while Congress and the President seem more intent on placating a restless electorate, rather than attacking the persistent debilitating forms of discrimination in our public institutions. Only the Federal courts, where the legal struggle for equal rights began in the 1930's, have stood firm in the face of the rising tide of criticism against action to correct racial injustice.

The prevailing academic caution is often backed by sophisticated statistical analyses and intricate sociological arguments, but the root idea behind the "new gradualism" is an old, familiar one: We have gone too far; we have gone too fast; we have paid too high a price. Probably the most articulate spokesman for this position is Nathan Glazer, whose book, Affirmative Discrimination (Basic Books, 1975) is a carefully constructed recitation of things that can go wrong with equal opportunity programs. For Glazer, our problem in the 1970's is simple. We have forgotten the basic American proposition that rights belong to the individual, and we have tried instead to establish rights for groups. Hiring quotas, housing quotas, racial percentages in the schools are not just unwieldy; according to Glazer, they are also un-American.

Glazer's argument deserves some careful attention. He is saying that those of us who have supported court-ordered desegregation, who have pushed minority employment in the suburbs, who have raised questions about low/moderate income housing that is filled entirely by elderly whites --- we have made a big mistake. Why? Not just because the programs sometimes don't work well --- that can always be corrected --- but because the idea behind them is wrong. The government, Glazer says, can only guarantee that individuals will not have their personal rights cut off by race or sex discrimination. The government cannot guarantee that women as a group will have their place in the executive suite, that Hispanic students will have a place in medical school, or that blacks can have a home in the suburbs. The American way is that rights and opportunities belong to individuals, not to groups.

Now, there is something very appealing about that position: something clean, and fair, and uncomplicated. Let everybody compete for himself (oops! -- herself). Let the government keep a close watch to make sure that nobody loses because she is black or speaks Spanish and that nobody wins just because he's somebody's nephew. And then let the chips fall where they may. If you and I were starting a new society in a vast, rich, unpeopled wilderness, that is probably how we'd set it up. That's how we'd want the rules to read, and that's why Glazer's position is immediately appealing.

But we're not setting up a new society. We've been in this vast, rich wilderness for 300 years now. It wasn't unpeopled when we arrived, and not all of those who came with us to its shores came voluntarily. The rules of fairness and equality that we would choose if we were starting today are not the rules that governed us then, when women couldn't vote, native Americans didn't count, and black Americans were, for the most part, treated as a form of agricultural property. The problem with Glazer's position, as with all other ways to say, "Too far, too fast," is a lack of historical perspective.

Where discrimination against racial, ethnic, and sex groups has been a pervasive fact of life, it cannot be eradicated simply by deciding now that we will henceforth play the game according to non-discriminatory rules that guarantee individual opportunity. Instead, a genuine move toward equality requires a painstaking effort to identify the victims of past discrimination and to reverse the effects, so far as that is possible, of the exclusions and limitations that once were applied. Less extensive measures, while they may ring with the tones of justice and equality, are at best an evasion of responsibility for what has been done in our history. It is appealingly simple, for example, to speak of programs in employment and education that would make race irrelevant in hiring, admissions, or financial aid. But given our history as a nation, race can never be completely irrelevant. Race is a complex reality, and any solution that proposes to ignore it is too simple to be realistic.

Among our public institutions only the Federal courts have consistently recognized this complexity of our history, and that recognition has kept the judges from joining the retreat from racial justice. "The Constitution is both color blind and color conscious," wrote Judge John Minor Wisdom in U.S. vs Jefferson County Board of Education (372 F.2d. 836, 1966). "To avoid conflict with the equal protection clause, a classification that denies a benefit, causes harm, or imposes a burden must not be based on race. In that sense, the Constitution is color-blind. But the Constitution is color conscious to prevent discrimination being perpetuated and to undo the effects of past discrimination."

The rights of each individual person --- apart from race, language, and gender identities --- are obviously important. Without respect for individual persons at the center of our legal system, the freedom of every group would be constantly in jeopardy. But individualism alone cannot provide the basis for the institutional changes that will be needed to eradicate the effects of past discrimination and set the stage for genuine equality in the future. To quote Judge Wisdom once more: "The only adequate redress for a previously overt system-wide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration."

Given white society's history of discrimination and indifference to black needs, it is less important that each individually qualified black youth shall have an opportunity to go to medical school than it is that the black welfare mother shall have access to a physician she can identify with and trust. It is for the patients, not just for upwardly mobile black youth, that affirmative action goals are established and minority recruiting programs are undertaken. This does not mean, of course, that all white physicians are necessarily insensitive to black needs, but it is unlikely that the medical profession will devise new structures for medical practice, devote more attention to the diseases of poverty, or learn new ways to show respect for patients without the efforts of professionals who themselves have known the experiences of the black, the poor, and the neglected from the inside.

What is true of blacks in the medical clinic applies equally to women in the pulpit, Chicanos on the teaching staff, or other minorities in the law office, the executive suite, and the legislature. We need these persons in positions of power, competence, and control not because these positions represent opportunities for individuals, but because that is the best way to insure that our institutions will work in ways that treat everyone with respect and meet the broadest range of human needs.

Affirmative action programs at their best are not designed simply to draw new competitors into a frantic scramble for money, power, and positions. Rather, affirmative action is one part of a larger effort to remake institutions so that they will be sensitive and equipped to meet everyone's needs, including the needs of those who've been told they don't count until they begin to believe it themselves.

Major institutional changes, of course, come slowly. The effects of past discrimination will not disappear in one round of affirmative action hiring or one sitting of the medical school admissions committee. Even the most rigid quotas, by themselves, would not change the image of who runs an institution and whom it is supposed to serve. But action goals --- and busing, and preferential hiring, and special financial aid packages for minority students --- are means of moving us closer to a just society in which opportunity means more than free admission to a competitive rat race and equality implies a fundamental respect for one another's humanity, as well as an unbiased appraisal of technical skills and job potential.

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